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11 Attorneys for Plaintiff Fizz Social Corp.

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

FIZZ SOCIAL CORP.,

Plaintiff,

vs.

MAPLEBEAR, INC., d/b/a INSTACART;  
PARTIFUL CO., and DOES 1-20, inclusive,

Defendants.

Case No. 3:25-cv-03995-CRB

**JOINT STIPULATION AND  
[PROPOSED] ORDER VACATING  
DEADLINES AND TAKING MOTIONS  
OFF CALENDAR FOLLOWING NOTICE  
OF SETTLEMENT**

Courtroom:  
Judge:

6, 17th Floor  
Hon. Charles R. Breyer

1 Pursuant to Civil Local Rule 6-1(a), Plaintiff Fizz Social Corp., (“Plaintiff”) and  
 2 Defendants Maplebear, Inc., d/b/a Instacart (“Instacart”) and Partiful, Co. (“Partiful”)  
 3 (collectively “the Parties”) hereby agree and jointly stipulate as follows:

4 **WHEREAS**, on August 7, 2025, Plaintiff filed the First Amended Complaint (ECF 67);

5 **WHEREAS**, on September 4, 2025, Defendant Instacart and Defendant Partiful  
 6 respectively filed two Motions to Dismiss the First Amended Complaint (the “Motions”) in the  
 7 above-captioned case (ECF 71 & 72);

8 **WHEREAS**, on September 17, the parties filed a Joint Motion to Extend Time for  
 9 Motion to Dismiss Responses and Replies and to Continue the Hearing Date (“September 17  
 10 Motion”) (ECF 73);

11 **WHEREAS**, on September 18, 2025, the Court granted the Parties’ September 17  
 12 Motion, extending Plaintiff’s deadline to oppose Defendants’ Motions to October 29, 2025, and  
 13 Defendants’ reply deadline to November 12, 2025 (ECF 74);

14 **WHEREAS**, on October 29, 2025, the Parties have reached a settlement in principle and  
 15 are finalizing a written agreement;

16 **WHEREAS**, the Parties respectfully request that the Court vacate all currently scheduled  
 17 hearing dates and deadlines, including Plaintiff’s October 29, 2025 deadline to file a  
 18 response to the Motions;

19 **NOW, THEREFORE**, in light of the settlement, the parties jointly notify the Court and

20 stipulate that:

- 22 (a) all currently scheduled hearing dates and deadlines are vacated;
- 23 (b) the pending motions to dismiss are taken off calendar as moot;
- 24 (c) Plaintiff is relieved of any obligation to file an opposition to the Motions  
 25 on October 29, 2025; and
- 26 (d) the Parties will file a stipulation of dismissal under Fed. R. Civ. P.  
 27 41(a)(1)(A)(ii) no later than December 3, 2025 (35 days from today), or, if

1 dismissal papers are not yet on file, a short joint status report on that date.

2 //

3 IT IS SO STIPULATED.

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6 Dated: October 30, 2025

Respectfully submitted,

**ROBINS KAPLAN LLP**

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8 By: /s/ Steven Carlson

9 Steven Carlson  
10 Elvira Belle Borovik  
11 Li Zhu

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14 Attorneys for Plaintiff  
15 FIZZ SOCIAL CORP.

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18 Dated: OCTOBER 30, 2025

**KEKER, VAN NEST & PETERS LLP**

19 By: /s/ David Silbert

20 David Silbert  
21 Sharif E. Jacob  
22 Taylor Reeves  
23 Natalie R. Heim  
24 Eleanor F. Brock  
25 Raisa M. Cramer

26 Attorneys for Defendant  
27 MAPLEBEAR, INC.

28 Dated: October 30, 2025

**KWUN BHANSALI LAZARUS LLP**

29 By: /s/ Kate E. Lazarus

30 Asim M. Bhansali  
31 Kate E. Lazarus  
32 Amy Le

33 Attorneys for Defendant  
34 PARTIFUL CO.

1 **ATTESTATION**

2 Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this  
3 document has been obtained from the other signatories.

4  
5 Dated: October 30, 2025

6 By: /s/ Steven C. Carlson  
7 STEVEN C. CARLSON

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1 **[PROPOSED] ORDER**

2 Pursuant to the parties' Stipulation, and good cause appearing, the Court orders the  
3 following:

4 1. All currently scheduled hearing dates and deadlines in this action are VACATED.  
5 2. Defendants' Motions (ECF Nos. 71 & 72) are TAKEN OFF CALENDAR as moot in  
6 light of the Parties' settlement in principle.  
7 3. Plaintiff is relieved of any obligation to file an opposition to the Motions on October 29,  
8 2025; the prior extension order is superseded to that extent.  
9 4. The Parties will file a stipulation of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii)  
10 no later than December 3, 2025, or, if dismissal papers are not yet on file by that date, a  
11 short joint status report.

12 **IT IS SO ORDERED.**

13 Dated: October 3, 2025

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15 HONORABLE CHARLES R. BREYER  
16 Judge of the United States District Court  
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